

AFFIDAVIT OF SUITABLE SERVICE

INDEX # 05CIV 9985^NU S District COURT OF THE STATE OF NEW YORK
COUNTY OF Southern

Brian Portera

- against -

The City Of New York Et Al

BELDOCK LEVINE & HOFFM
99 Park Avenue
NEW YORK
NY 10016

(212) 490-0400

Atty File #

Record # 107964

File # 82

STATE OF NEW YORK: COUNTY OF NASSAU: ss

Howard Kwastel Lic #0940927 being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York:

That on 03/04/08 at 11:47am at 2 East 159 Street Bronx Ny 10463 deponent served the within Summons & First Amended Complaint In A Civil Action on Dermot Shea - 44th Precinct recipient therein named.

After your deponent was unable with due diligence to serve the recipient in person, service was made by delivering a true copy thereof to and leaving with Sgt. Blanchard #110 co-worker a person of suitable age and discretion at 2 East 159 Street Bronx Ny 10463 said premises being the recipient's usual place of business within the State of New York.

Deponent completed service by depositing a copy of the Summons & First Amended Complaint In A Civil Action on 03/04/08 in a postpaid, properly addressed envelope by first class mail, bearing the legend Personal & Confidential and not indicating legal action, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Mailing was made to 2 East 159 Street Bronx Ny 10463


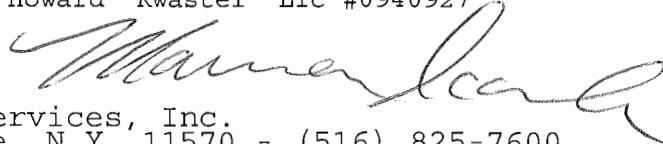
Attempts:

A description of the person served on behalf of the defendant is as follows:

Approx Age: 46 Years Approx Weight: 245 Lbs. Approx Height: 6'1"
Sex: Male Color of Skin: White Color of Hair: Black
Other: Balding

Deponent spoke to Sgt. Blanchard #110 -Co-Worker same as above,

confirmed the above address of defendant and asked whether defendant was in active military service of the United States or the State of New York in any capacity whatever or is a dependent of anyone in the military and received a negative reply and that the defendant always wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that defendant is not in the military service of New York State or of the United States as that term is defined in either the State or in Federal statutes.

Sworn to before me this 03/04/08
Maureen Scarola #01SC6127636
Notary Public, State of New York
Nassau County, Commission Expires 05/31/09
Howard Kwastel Lic #0940927
Supreme Judicial Services, Inc.
371 Merrick Road - Rockville Centre, N.Y. 11570 - (516) 825-7600
255 Broadway - New York, N.Y. 10007 - (212) 319-7171
Fax (516) 568-0812

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE	3/4/08
NAME OF SERVER (PRINT)	TITLE	SERVER

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Sgt. BLANCHARD #110

☐ Returned unexecuted:☐ Other (specify):**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
		\$0.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

3/4/08

Date

Signature of Server

SUPREME JUDICIAL SERVICES INC.

Address of Server

**371 MERRICK ROAD SUITE 202
ROCKVILLE CENTRE, NY 11570**

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.